SIKKIM

GOVERNMENT GAZETTE

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LAW DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

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THE SIKKIM PANCHAYAT (AMENDMENT) ACT, 2007

(ACT No. 14 of 2007)

AN

ACT

further to amend the Sikkim Panchayat Act, 1993

Be it enacted by the Legislature of Sikkim in the Fifty-eighth Year of the Republic of India as follows:-

Short title and commencement. 1. (1) This Act may be called the Sikkim Panchayat(Amendment) Act, 2007.

(2) It shall come into force at once.

Amendment of Section 13. 2. (1) In the Sikkim Panchayat Act, 1993 (hereinafter referred to as the said Act), for the existing sub-sections (5) (6) and (7) of section 13, the following shall be substituted, namely:-

"(5) The State Government shall, by notification, reserve seats for the Scheduled Castes, the Scheduled Tribes, the Most Backward Classes and Other Backward Classes in every Gram Panchayat and the number of seats reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population in that Panchayat area bears to the total population of that area and such seats shall be allotted by rotation to different wards in a Gram Panchayat in such manner as the State Government may, by notification specify.

(6) Not less than forty percent of the total number of seats reserved under sub-section (5) shall be reserved for women belonging to the Scheduled Caste, Scheduled Tribes, the Most Backward Classes and the Other Backward Classes.

(7) Not less than forty percent of the total number of seats (including the number of seats reserved for women belonging to the Scheduled Caste, Scheduled Tribes,the Most Backward Classes and the Other Backward Classes) to be filled by direct election in every Gram Panchayat shall be reserved for women and such seats shall be allotted by rotation to different wards in a Gram Panchayat in such manner, as the State Government may, by notification, specify. "

(2) Sub-section (5 a) shall be omitted.

Amendment of Section 17.

3. (1) In the said Act, for the existing sub-section (2) of Section 17, the following shall be substituted, namely:-

"(2) The State Government shall, by notification reserve:-

(a) such number of office of Sabhapati and Up Sabhapati of Gram Panchayat in each district for the Scheduled Caste, Scheduled Tribes, the Most Backward Classes and the Other Backward Classes and the number of such offices shall bear as nearly as may be, the same proportion to the total number of offices in the district as their population in the district bears to the total population of the district.

(b) Not less than forty percent of the total number of offices of Sabhapati and Up Sabhapati of the Gram Panchayat of the district reserved under clause (a) shall be reserved for women:

Provided that the offices reserved under this sub-section shall be allotted by rotation to different Gram Panchayats in such manner as the State Government may, by notification specify."

Amendment of Section 50.

4. (1) In the said Act, for the existing sub-sections (4) and (5) of Section 50, the following shall be substituted namely:-

"(4) The State Government shall by notification, reserve seats for the Scheduled Castes, the Scheduled Tribes, the Most Backward Classes and the Other Backward Classes in every Zilla Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the Panchayat as their population in the Panchayat area bears to the total population of that area and such seats shall be allotted by rotation to different constituencies in a Zilla Panchayat in such manner as the State Government may, by notification, specify.

(5) Not less than forty percent of the total number of seats reserved under sub-section (4) shall be reserved for women and such seats shall be allotted by rotation to different constituencies in a Zilla Panchayat in such manner as the State Government may, by notification, specify."

(2) Sub-section (6) shall be omitted.

Amendment of Section 54.

5.(1) In the said Act, for the existing sub-section (2) of Section 54, the following shall be substituted, namely:-

"(2) The State Government, shall by notification, reserve:-

(a) such number of offices of Adhyaksha and Up – Adhyaksha of Zilla Panchayats in the State for persons belonging to Scheduled Castes, the Scheduled Tribes, the Most Backward Classes and the Other Backward Classes and the number of such offices shall bear as nearly as may be the same proportion to the total number of offices in the State as the population bears to the total population of the State.

(b) not less than forty percent of the total number of offices of Adhyaksha and Up-Adhayasha in the state reserved under clause (a) shall be reserved for women:

Provided that the offices reserved under this sub-section shall be allotted by rotation to different Zilla Panchayat in such manner as the State Government may, by notification, specify. "

(2) The existing sub-section (2) shall be renumbered as sub-section (3).

Amendment of Section 103.

6. In the said Act, for the existing sub-section (1) of Section 103 the following shall be substituted, namely:-

"(1) The superintendence, direction and control of elections to the Gram Panchayat and Zilla Panchayat and conduct of election of Sabhapati, Up- Sabbhapati and Sachiva of Gram Panchayat and Adhyaksha and Up- Adhyaksha of Zilla Panchayat shall be vested with the State Election Commission consisting of the State Election Commissioner appointed by the Governor:

Provided that the conduct of delimitation of Gram Panchayat and Zilla Panchayat and reservation of seats in Gram Panchayat and Zilla Panchayat, in such manner as may be prescribed, shall be vested with the State Election Commission:

Provided further that for the purpose of conduct of election of Sabhapati and Up-Sabhapati and Sachiva of Gram Panchayat and Adhyaksha and Up- Adhayaksha of Zilla Panchayat, the prescribed authority shall be the State Election Commissioner.

By Order.

R.K. PURKAYASTHA (SSJS)
LR-cum-Secretary
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